

1 Lee S. Harris (SBN 76699)
Michael W. Flynn (SBN 247501)
2 GOLDSTEIN, GELLMAN, MELBOSTAD, GIBSON & HARRIS, LLP
1388 Sutter Street, Suite 1000
3 San Francisco, CA 94109-5494
Telephone: (415) 673-5600
4 Facsimile: (415) 673-5606

5 Attorney for Plaintiff
SEAN MICHAEL CARTER
6

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA- SAN FRANCISCO**

10 SEAN MICHAEL CARTER

Case No. C 07 5588 CRB

11 Plaintiff,

12 v.

**Stipulation to extend time for filing of
Opposition and Reply briefs for K&K's
Motion to Dismiss**

13 K&K INSURANCE GROUP, INC., dba
SPECIALTY BENEFITS ADMINISTRATOR,
14 INC.; NATIONWIDE LIFE INSURANCE
COMPANY; NATIONWIDE MUTUAL
INSURANCE COMPANY; AON
15 CORPORATION; and DOES 1 through 100,
inclusive,
16

Defendants.
17

18
19 Pursuant to Local Rules 6-1, 6-2, and 7-12, the parties hereby submit a Stipulated Request for
20 Order Changing Time. Defendant K&K's motion to dismiss is scheduled for hearing on January 18,
21 2008. Thus, Plaintiff's Opposition brief to Defendant K&K's Motion to Dismiss is due December 28,
22 2007, and the Reply brief is due January 4, 2008.

23 The parties stipulate to extend those filing deadlines by 5 days such that the Opposition brief is
24 now due on January 2, 2008, and the Reply brief is now due on January 9, 2008.

25 The reason for this enlargement of time to file Opposition and Reply briefs is that the parties
26 are on the verge of a settlement, which would render K&K's motion moot. The parties have engaged
27 in good faith efforts to effect this settlement, but due to various holiday travel schedules of the
28 attorneys and parties involved, the settlement could not be finalized. The additional 5 days will permit

1 the parties to finalize this settlement and to enter a mutual dismissal of the case.

2 No previous time modifications have been made in this case.

3 If the Court grants the requested time change, there would be no effect on the schedule for the
4 case. The hearing would still take place on January 18, 2008.

5
6 It is so stipulated:

7
8 _____/s/

9 Michael W. Flynn

10 Attorney for Plaintiff

11
12 _____/s/

13 Bess Kennedy

14 Attorney for Defendant K&K

15
16
17 PURSUANT TO STIPULATION, IT IS SO ORDERED:

18
19 _____
20 The Honorable Charles R. Breyer

1 I, Michael Flynn, declare:

- 2 1. I am an attorney licensed to practice law before this Court, and am an attorney for Plaintiff
3 Sean Michael Carter.
- 4 2. The reason for this enlargement of time to file Opposition and Reply briefs is that the parties
5 are on the verge of a settlement, which would render K&K's motion moot. The parties have
6 engaged in good faith efforts to effect this settlement, but due to various holiday travel
7 schedules of the attorneys and parties involved, the settlement could not be finalized. The
8 additional 5 days will permit the parties to finalize this settlement and to enter a mutual
9 dismissal of the case.
- 10 3. No previous time modifications have been made in this case.
- 11 4. If the Court grants the requested time change, there would be no effect on the schedule for the
12 case. The hearing would still take place on January 18, 2008.
- 13 5. I declare under penalty of perjury under the Laws of the State of California that the foregoing
14 is true and correct, that if called upon I could competently testify thereto, and that this
15 declaration was executed at San Francisco, California, on December 28 , 2007.
- 16
17
18

/s/

Michael W. Flynn

Attorney for Plaintiff